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California State Senate

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May 27, 2010

Mary D. Nichols
Chairman, California Air Resources Board
1001 I Street, P.O. Box 2815
Sacramento, California 95812

Dear Ms. Nichols:

For nearly 60 years, California agriculture was handed a free pass to pollute the air.

Even as the San Joaquin Valley emerged as the smoggiest region in the nation, farmers continued to enjoy a special status, burning their uprooted trees and vines in big bonfires.

Agriculture's exemption from air pollution laws was supposed to end in 2003. I know because I wrote the law banning open field burning. Farmers were given plenty of time — until June 2010 — to wean themselves from this arcane practice.

But now on the eve of this deadline, the San Joaquin Valley Air Pollution Control District wants to continue the exemption. The air district seeks to allow farmers to continue burning the two biggest sources of emissions from open field burning today: uprooted grapevines and citrus trees.

Grapevines and citrus trees account for 62 percent (251,000 burned tons out of a total 408,000 burned tons) of the farm material burned over the past three years in the San Joaquin Valley.

It is all fine and good for the air district to claim that since the law was enacted seven years ago farmers have cut the old practice of widespread burning by 70 percent. But by the district's own calculations, this still leaves an unacceptable amount of pollutants from ag burning — 1,072 tons of NOx, 1,388 tons of PM 2.5, 1,246 tons of VOC and 1,476 tons of PM 10.



In short, ag burning remains — as of today — the second-biggest source of PM 2.5 emissions in the valley. It is larger than all motor vehicles and heavy-duty diesel trucks combined.

In an air basin not even close to achieving federal standards, where one in five children suffer from asthma, it is hard to believe that the air district would dismiss these remaining pollutants from ag burning as “trivial.”

In the name of public health and sound science, I am asking today that you delay for 60 days a decision on the air district’s flawed plan. This brief delay will allow me to convene a hearing of the Senate Select Committee on Air Quality. I am confident this hearing will reveal the dishonest calculations the air district used in its staff report to justify continued burning and lead CARB to a much different decision on the SJVAPCD plan’s merits.

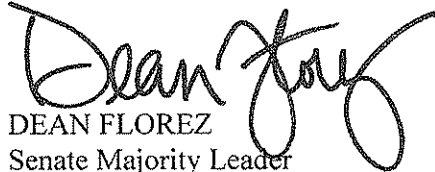
Let me point out just a few of the many serious errors in math that the air district commits — errors that undermine the entire report and render its conclusion false:

1. The air district finds that neither biomass nor shredding is an “economically feasible” way for a grape grower to dispose of his old vineyard or a citrus grower to dispose of his old orchard. In making the finding, the air district calculates that the lifespan of a grape vineyard and citrus orchard is only 10 years. This 10-year lifespan does not even come close to reflecting reality. The same UC Ag Extension study that the air district cites as its evidences reports the following: the typical lifespan of a vineyard is 22 years, a citrus orchard is 40 years and an almond orchard is 25 years. “I don’t know where they got that 10-year figure from,” Richard De Moura, one of the authors of the UC report, told my staff. “Alfalfa has a 10-year lifespan.”
2. Had the air district used the actual lifespan of a vineyard and citrus orchard instead of the lifespan used for “industrial equipment,” it would have changed the entire bottom line. The expense of pulling out a vineyard and citrus orchard—and either shredding the material or sending it to a biomass plant—would have been much less over time. And the profits from that vineyard and orchard over an extended lifespan would have been much more. Thus, it IS economically feasible for many grape, citrus and almond growers to shred this material or send it to a biomass plant.
3. The air district concludes, unbelievably, that it would cost a large table grape grower between “45 percent to 75 percent” of his net profits to do the following: remove metal posts and trellis wires from his old vineyard and haul the material to a biomass plant. We talked to several large table grape growers who laughed at the district’s numbers.
4. Here is the reality: a table grape grower, most years, turns a net profit of \$2,000 an acre. If he farms, say, 500 acres, that equates to a net profit of \$1 million a year. Let’s assume that his vines pump out these profits for only 15 of the 22-year lifespan. This is still a net profit in the range of \$10 million. Yet the district concludes, incredibly, that

hiring a crew of field hands to remove trellis wires and metal stakes would consume “45 percent to 75 percent” of a farmer’s net profit. Really? A \$5 million expense?

I ask that your board give me a few weeks to convene a senate hearing and call up valley air district staff for tough questions. Until they show their math — and the numbers prove otherwise — agricultural burning needs to be banned.

Sincerely,

A handwritten signature in black ink that reads "Dean Florez". The signature is fluid and cursive, with the first name "Dean" and the last name "Florez" clearly legible.

DEAN FLOREZ
Senate Majority Leader
Chair, Senate Select Committee on Air Quality

Cc: CARB Board Members
SJVAPCD
General Public